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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**Declaration  
Submitted  
With Initial  
Filing

OR

Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)

Attorney Docket Number

COLOR/04

First Named Inventor

Allen Petroskey et al.

COMPLETE IF KNOWN

Application Number

10/686,210

Filing Date

October 15, 2003

Art Unit

Examiner Name

**I hereby declare that:**

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

WRITING INSTRUMENT WITH ROTATABLE DESIGN ELEMENT

(Title of the Invention)

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

October 15, 2003

as United States Application Number or PCT International

Application Number

10/686,210

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application<br>Number(s) | Country | Foreign Filing Date<br>(MM/DD/YYYY) | Priority<br>Not Claimed  | Certified Copy Attached? |                          |
|--|---------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|  |         |                                     |                          | Yes                      | No                       |
|  |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## DECLARATION — Utility or Design Patent Application

|   |                           |   |                    |
|---|---------------------------|---|--------------------|
| Direct all correspondence to: <input checked="" type="checkbox"/> Customer Number: <input type="text" value="33108"/> OR <input checked="" type="checkbox"/> Correspondence address below   |                           |   |                    |
| Name<br>BIRCH, STEWART, KOLASCH & BIRCH, LLP  |                           |   |                    |
| Address<br>10940 Wilshire Boulevard, Eighteenth Floor   |                           |   |                    |
| City<br>Los Angeles   |                           | State<br>CA   | ZIP<br>90024       |
| Country<br>USA  | Telephone<br>310-209-4400 | Fax<br>310-209-4450   |                    |
| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. |                           |   |                    |
| NAME OF SOLE OR FIRST INVENTOR:   |                           | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                    |
| Given Name<br>(first and middle [if any])<br>Allen  |                           | Family Name<br>or Surname<br>Petroskey  |                    |
| Inventor's<br>Signature<br>   |                           |   | Date<br>12/4/03    |
| Residence: City<br>Los Angeles  | State<br>CA               | Country<br>USA  | Citizenship<br>USA |
| Mailing Address<br>4275 Via Arbolada, #111  |                           |   |                    |
| City<br>Los Angeles   | State<br>CA               | ZIP<br>90042  | Country<br>USA     |
| NAME OF SECOND INVENTOR:  |                           | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                    |
| Given Name<br>(first and middle [if any])<br>Liwen  |                           | Family Name<br>or Surname<br>LIAO   |                    |
| Inventor's<br>Signature<br>   |                           |   | Date<br>12/10/03   |
| Residence: City<br>Alhambra   | State<br>CA               | Country<br>USA  | Citizenship<br>USA |
| Mailing Address<br>24 East Elgin Street, Unit #2  |                           |   |                    |
| City<br>Alhambra  | State<br>CA               | ZIP<br>91801  | Country<br>USA     |
| <input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.  |                           |   |                    |



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**DECLARATION**

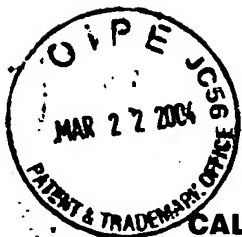
**ADDITIONAL INVENTOR(S)**  
Supplemental Sheet

Page 3 of 3

|   |             |   |                    |
|---|-------------|---|--------------------|
| <b>Name of Additional Joint Inventor, if any:</b> |             | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                    |
| Given Name (first and middle (if any))            |             | Family Name or Surname  |                    |
| Edward  |             | Busath  |                    |
| Inventor's Signature <i>Edward Busath</i>         |             | Date <i>12/4/03</i>   |                    |
| San Jose<br>Residence: City                       | CA<br>State | USA<br>Country  | USA<br>Citizenship |
| 488 Barron Park Court<br>Mailing Address          |             |   |                    |
| Mailing Address                                   |             |   |                    |
| San Jose<br>City                                  | CA<br>State | 95136<br>Zip  | USA<br>Country     |
| <b>Name of Additional Joint Inventor, if any:</b> |             | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                    |
| Given Name (first and middle (if any))            |             | Family Name or Surname  |                    |
|   |             |   |                    |
| Inventor's Signature                              |             | Date  |                    |
| Residence: City                                   | State       | Country   | Citizenship        |
| Mailing Address                                   |             |   |                    |
| Mailing Address                                   |             |   |                    |
| City  | State       | Zip   | Country            |
| <b>Name of Additional Joint Inventor, if any:</b> |             | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                    |
| Given Name (first and middle (if any))            |             | Family Name or Surname  |                    |
|   |             |   |                    |
| Inventor's Signature                              |             | Date  |                    |
| Residence: City                                   | State       | Country   | Citizenship        |
| Mailing Address                                   |             |   |                    |
| Mailing Address                                   |             |   |                    |
| City  | State       | Zip   | Country            |

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If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Santa Clara

} ss.

On

12-4-03

Date

before me,

Rose Shea, Notary Public

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

Allen Petroskey and Edward Busath

Name(s) of Signer(s)

☐ personally known to me

☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he~~/she/they executed the same in ~~his~~/her/their authorized capacity(ies), and that by ~~his~~/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Rose Shea

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Declaration for Utility or design Patent Application

Document Date: 10-15-03

Number of Pages: 3

Signer(s) Other Than Named Above: Ø

Capacity(ies) Claimed by Signer

Signer's Name: Allen Petroskey + Edward Busath

☒ Individual

☐ Corporate Officer — Title(s): \_\_\_\_\_

☐ Partner — ☐ Limited ☐ General

☐ Attorney-in-Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer Is Representing: selves

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here



# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Los Angeles

SS.

On

Dec. 10<sup>th</sup>, 2003

Date

before me,

NANCY CHACON, Notary Public

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

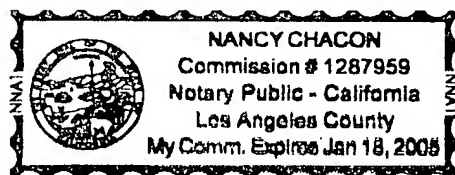
LIWEN LIAO

Name(s) of Signer(s)

☐ personally known to me

☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Nancy Chacon  
Signature of Notary Public

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

## Description of Attached Document

Title or Type of Document:

Declaration - Utility or Design Patent

Document Date:

10-15-03

Number of Pages:

3 Applic.

Signer(s) Other Than Named Above:

## Capacity(ies) Claimed by Signer

Signer's Name:

LIWEN LIAO

☒ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney-in-Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing:

himself

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here